

Feb. 3. 2006 10:12AM INGRASSIA FISHER & LORENZ PC

No. 5983 P. 5

Appl. No. 10/813,851

Amdt. Dated February 3, 2006

Reply to Office Action of November 10, 2005

REMARKS

This is a full and timely response to the non-final Office action mailed November 10, 2005. Reexamination and reconsideration in view of the foregoing amendments and following remarks is respectfully solicited.

Claims 1 and 3 - 5 are pending in this application, with Claim 1 being the independent claim. Claims 1 and 3 - 5 have been amended, and Claims 2 and 6 - 20 have been cancelled. A new Claim 21 has been added. No new matter is believed to have been added.

Restriction Requirement.

Applicant affirms its provisional election of Claims 1 - 5 pursuant to the restriction requirement and the telephone conference of 11/2/2005.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claim 4 was rejected under 35 U.S.C. § 112, second paragraph for reciting the trademark or trade name NITRONIC in line 2. Applicant has resolved this issue by deleting the word NITRONIC from Claim 4.

Rejections Under 35 U.S.C. § 102

Claims 1 - 3 were rejected under 35 U.S.C. § 102 as allegedly being anticipated by U.S. Patent No. 6,634,377 (Stafford). This rejection is respectfully traversed with respect to Claims 1 and 3. Applicant has withdrawn Claim 2.

Claim 1, as amended, includes providing a replacement poppet with a surface of increased diameter. Claim 1 also includes the additional feature that the replacement poppet surface and the enlarged passage fit so as to restrict airflow. These elements are not disclosed in Stafford.

Rather, Stafford discloses enlarging a housing region so as to make room for a valve sleeve surrounding a piston within the housing. (Stafford, col. 3, lines 41 - 43, col. 5, lines 54 - 61, and Figs. 5A and 5B). Stafford does not disclose either of the two

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above-referenced features now recited in independent Claim 1. First, Stafford does not disclose a replacement poppet with a surface of increased diameter. To the contrary, the new piston in Stafford is presumably the same size as the original piston, because the housing is increased for the expressed purpose of allowing room for the sleeve. (Stafford, col. 3, lines 41 – 43). Second, Stafford does not disclose a replacement poppet surface and enlarged passage that fit so as to restrict airflow. To the contrary, in Stafford, the valve sleeve surrounds the new piston inside the housing. (Stafford, col. 5, lines 54 – 61, and Figs. 5A and 5B).

Accordingly, Applicant respectfully asserts that the amended independent Claim 1 is not anticipated by Stafford. It similarly follows that Claim 3 is likewise patentable as dependent from Claim 1, as well as the additional features of Claim 3.

Rejections Under 35 U.S.C. § 103

Claims 4 and 5 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Stafford and/or U.S. Patent No. 5,725,007 (Stubbs). This rejection is respectfully traversed.

Applicant respectfully asserts that Claims 4 and 5 are patentable because both Claims 4 and 5 are dependent from Claim 1, and also due to the additional features of Claims 4 and 5.

Conclusion

Based on the above, independent Claim 1 is patentable over the citations of record. The dependent claims are also submitted to be patentable for the reasons given above with respect to the independent claims and because each recites features which are patentable in their own right. Individual consideration of the dependent claims is respectfully solicited.

The other art of record is also not understood to disclose or suggest the inventive concept of the present invention as defined by the claims.

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Hence, Applicant submits that the present application is in condition for allowance. Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-noted Office action, and an early Notice of Allowance are requested.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

If for some reason Applicant has not paid a sufficient fee for this response, please consider this as authorization to charge Ingrassia, Fisher & Lorenz, Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

INGRASSIA FISHER & LORENZ

Dated: February 3, 2006

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